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EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/21/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/519,136

Applicant(s)

ESTIPONA, JIM B.

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 03/08/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's Amendment filed 03/08/04 has been entered and carefully considered. Claims 1-15 have been amended. However, limitations of amended claims have not been found to be patentable over prior arts of record and newly discovered prior art. Therefore, these claims are rejected under the new ground of rejection as set forth below.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al [US. 5,265,202] in view of Rybczynski [US. 6,348,953] and further in view of the screendump.

As to claims 1 and 7, Krueger et al. discloses creating a first window to receive dynamic video content (figure 1, window (18)) which at least partially overlaps a second window on a region of overlap of a display (figure 1, display screen (16), column 2, line 67 through column 3, line 7). Krueger et al. cites "display screen 16 is displaying a computer application concurrently with an interlaced video image within a window 18". (Display screen 16 is a window because of displaying a computer application) and Krueger also cites

"the source of the video image can be either a channelized source, such as broadcast or cable television" which suggests dynamic video content; and the second window to draw after the first window (column 4, lines 15-40). Although Krueger et al. teaches both first and second (figure 2, 16, 18) windows movable with respect to a display, the screendump clearly shows the feature (see the figures).

The difference between Krueger et al. and the claim are the setting the pixels of the first window to a chroma color and setting background pixels of the second window in the region of overlap to the chroma color. Rybczynski shows the setting the pixels of the first window to a chroma color and setting background pixels of the second window in the region of overlap to the chroma color (column 7, lines 50-67 and column 8, lines 25-38). It would have been obvious to one of ordinary skill in the art, having the teachings of Krueger et al. and Rybczynski before them at the time the invention was made to modify the overlaying windows taught by Krueger et al. to include rendering video to areas of the region of overlap which have the chroma color of Rybczynski, with the motivation being to combine a foreground image and a background image to give a composite image with a natural optical appearance as taught by Rybczynski.

As to claims 2 and 8, Krueger et al. and the screendump also discloses configuring the first and second movable windows as children of a common parent window (figure 1).

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As to claims 3, 6, 9, 12 and 14, Krueger et al. and the screendump teaches configuring the second movable window to receive user interface events (column 5, lines 15-26).

As to claims 4, 10 and 15, Krueger et al. and screendump also teaches setting the style of the second movable window to transparent (column 5, lines 15-26).

As to claims 5, 11 and 13, the claim is analyzed as previously discussed with respect to claim 1 except for configuring the first and second windows to move correspondingly to one another and the drawing and the rendering step. While Krueger et al. shows the configuring the first and second windows (column 6, lines 30-50), Rybczynski teaches draw first with a chroma color and then draw with other colors representing window elements (column 8, lines 25-40) and rendering video only area of the region of overlap which have the chroma color (video screen is type of window) (column 2, lines 35-60).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 (movable windows) have been considered but are moot in view of the new ground of rejection.

### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238, may be used for formal After Final communications, (703)

746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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